

Chapter 22

SOLID WASTE*

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ARTICLE I. IN GENERAL

Secs. 22-1—22-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 22-31. Purpose and statutory authority of article.

The purpose of this article is to regulate the storage, collection and disposal of solid waste in the unincorporated areas of the county. This article is adopted pursuant to the authority contained in G.S. 153A-121, G.S. 153A-132.1, G.S. 153A-136, G.S. 153A-274—G.S. 153A-278 and G.S. 153A-291—G.S. 153A-293, and G.S. 130A-309.09, G.S. 130A-309.09A, G.S. 130A-309.09B and G.S. 130A-09D. Unless otherwise indicated, this article applies to both publicly owned and privately owned municipal solid waste management facilities located in the county.
(Ord. of 6-20-94, § I)

Sec. 22-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bags means plastic bags of sufficient size and strength to hold up to 32 gallons and which are capable of being closed.

Bulky waste means large items of solid waste such as furniture, large auto parts, trees, branches, stumps and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection means the act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility or disposal facility.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

Construction and demolition waste means solid waste resulting solely from the construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert debris, land clearing debris, yard debris or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material.

Department means the state department of environment, health and natural resources.

Garbage means all putrescible waste, including animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human waste.

Hazardous waste means solid waste, or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Incineration means the process of burning solid, semisolid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

Industrial solid waste means solid waste generated by industrial processes and manufacturing.

Inert debris means solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

Institutional solid waste means solid waste generated by educational, health care, correctional and other institutional facilities.

Land clearing debris means solid waste that is generated solely from land clearing activities.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste longterm storage facility or surface storage facility.

Medical waste means any solid waste that is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 CFR 261.4(b)(1), or those substances excluded from the definition of solid waste in this article.

Municipal solid waste means solid waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge or solid waste from mining or agricultural operations.

Municipal solid waste management facility means any publicly or privately owned solid waste management facility permitted by the department that receives municipal solid waste for processing, treatment or disposal.

Pathological waste means human tissues, organs and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, and were used in the production of biologicals or in in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

Person means any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen waste, offal and animal carcasses.

Processing means any technique designed to change the physical, chemical or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

Radioactive waste means waste containing any material, whether solid, liquid or gas, that emits ionizing radiation spontaneously.

Recycling means the process by which solid waste or recovered materials are collected, separated or processed, and reused or returned to use in the form of raw materials or products.

Refuse means solid waste, other than garbage or ashes, from residences, commercial establishments and institutions.

Regulated medical waste means blood and other body fluids in individual containers in volumes greater than 20 ml, microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the department.

Resource recovery means the process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

Sanitary landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to G.S. 130A-290 et seq.

Scrap tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic origin that is removed from a septic tank system.

Sharps means needles, syringes and scalpel blades.

Sludge means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

Solid waste means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is

generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from any industrial, institutional, commercial and agricultural operations and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans.
- (2) Solid or dissolved material in:
 - a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems that are designed to discharge effluents to the surface waters;
 - b. Irrigation return flows; and
 - c. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the state environmental management commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition.
- (3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.75 et seq. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011);
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68 and regulated by the state mining commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

Solid waste collector means any person who collects or transports solid waste.

Solid waste disposal site means a location at which solid waste is disposed of by incineration, sanitary landfill or other approved method.

Solid waste receptacle means a container used for the temporary storage of solid waste while awaiting collection.

Source separation means setting aside recyclable materials at their point of generation by the generator.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

Transfer station means a site at which solid waste is concentrated for transportation to a processing facility or disposal site. A transfer station may be fixed or mobile.

Used oil means any oil that has been refined from crude oil or synthetic oil and, as a result of use, storage or handling, has become unsuitable for its original purpose.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.

Yard trash means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

(Ord. of 6-20-94, § II)

Cross reference—Definitions generally, § 1-2.

Sec. 22-33. Enforcement of article.

(a) *Criminal penalty.* Any person violating this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.

(b) *Civil penalty.* Any person who is found in violation of this article shall be subject to a civil penalty not to exceed \$500.00 as provided in G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.

(Ord. of 6-20-94, § IX)

Secs. 22-34—22-55. Reserved.

**DIVISION 2. STORAGE AND DISPOSAL
GENERALLY**

Sec. 22-56. To be in accord with article provisions.

No owner, occupant, tenant or lessee of any property may deposit, store or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this article.

(Ord. of 6-20-94, § III(A))

Sec. 22-57. Responsibilities of owners and tenants.

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (a seven-day period).

(Ord. of 6-20-94, § III(B))

Sec. 22-58. Containers.

Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight and easily cleaned, with a close-fitted, flytight cover in place, with adequate handles or bails to facilitate handling. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

(Ord. of 6-20-94, § III(C))

Sec. 22-59. Refuse storage.

Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this section includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods.

(Ord. of 6-20-94, § III(D))

Sec. 22-60. Bulky waste.

No owner, occupant, tenant or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.

(Ord. of 6-20-94, § III(E))

Sec. 22-61. Abandonment of receptacles with airtight doors.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

(Ord. of 6-20-94, § III(F))

Sec. 22-62. Methods of solid waste disposal.

Solid waste shall be disposed of only in one of the following ways:

- (1) In a landfill or transfer station approved by the department;
- (2) In an incinerator that has all required local, state and federal control permits; or
- (3) By any other method, including recycling and resource recovery, that has been approved by the department.

(Ord. of 6-20-94, § III(G))

Sec. 22-63. Method in addition to section 22-62.

In addition to the methods listed in section 22-62 above, refuse may be disposed of in solid waste receptacles provided by the county.

(Ord. of 6-20-94, § III(H))

Sec. 22-64. Dumping on or along streets and highways.

No person may discard, dispose, leave or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

(Ord. of 6-20-94, § III(I))

Sec. 22-65. Construction waste.

Construction waste must be disposed of at disposal sites approved and permitted by the department.

(Ord. of 6-20-94, § III(J))

Cross reference—Buildings and building regulations, ch. 6.

Sec. 22-66. Medical, hazardous and radioactive waste disposal.

Regulated medical, hazardous and radioactive waste must be disposed of according to written procedures approved by the department.

(Ord. of 6-20-94, § III(K))

Sec. 22-67. Collection and transporting solid waste; compliance by collectors.

Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with the provisions of this article regarding vehicles and containers.

(Ord. of 6-20-94, § III(L))

Sec. 22-68. Sharps disposal.

All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

(Ord. of 6-20-94, § III(M))

Sec. 22-69. Open burning of solid waste.

Open burning of solid waste is prohibited.

(Ord. of 6-20-94, § III(N))

Secs. 22-70—22-90. Reserved.**DIVISION 3. RECYCLING****Sec. 22-91. Required; donation or sale permitted.**

Each person who owns, leases or manages a residence, residential unit or place of business, industry, commerce or other place providing goods or services, or institution, church or school shall remove recyclable materials from the solid waste generated as required in section 22-92 and make them available for recycling as required in section 22-93. Noth-

ing in this article is intended to prevent any person from donating or selling recyclable materials to any other person.

(Ord. of 6-20-94, § VI(A))

Sec. 22-92. Separation from solid waste; preparation; enumeration of recyclable materials.

Any recyclable material shall be separated from other solid waste and made available for recycling. Recyclable material shall not be mixed with or disposed of with other solid waste. Recyclable material shall include, but are not necessarily limited to the following items and shall be prepared for recycling as directed:

- (1) *Glass.* All brown, green and clear glass bottles and jars shall be rinsed.
- (2) *Cans.* Aluminum beverage cans only shall be recyclable and they shall be rinsed.
- (3) *Used oil.* Used oil will be accepted only from individual residences with a limit of five gallons per day.
- (4) *White goods.* All white goods must be cleaned and free of any foods or other stored items.
- (5) *Cardboard.* Corrugated cardboard of all types shall be flattened.
- (6) *Newsprint.* All newsprint shall be protected so that it does not become wet from rain or other forms of precipitation.
- (7) *Furniture.* Discarded household furniture items will be received from rural residents only.

(Ord. of 6-20-94, § VI(B); Memo of 7-19-2007)

Sec. 22-93. Ownership of recyclable materials.

(a) After recyclable material has been placed in a designated container at a collection center designated by the county or its authorized agent, the recyclable material shall become the property of the county or of its authorized agent.

(b) No persons other than a county employee or the county's authorized agent may remove recyclable material from a recycling collection center.

(Ord. of 6-20-94, § VI(C))

Secs. 22-94—22-115. Reserved.

DIVISION 4. RECEPTACLES

Sec. 22-116. Used as provided in this division.

Solid waste receptacles are maintained at five centers in the county for the convenience of county residents and nonresident property owners on lands owned by the county. Solid waste may be disposed of in the receptacles only in accordance with provisions of this article.

(Ord. of 6-20-94, § V(A))

Sec. 22-117. Prohibited deposits.

The following waste may not be deposited of in solid waste receptacles:

- (1) Asbestos;
- (2) Burning or smoldering materials, or any other materials that would create a fire hazard;
- (3) Commercial waste;
- (4) Construction waste;
- (5) Hazardous waste;
- (6) Industrial waste;
- (7) Institutional waste;
- (8) Liquid waste;
- (9) Radioactive waste;
- (10) Regulated medical waste;
- (11) Yard trash;
- (12) Sludges;
- (13) Barrels; and
- (14) Sharps not properly contained.

(Ord. of 6-20-94, § V(B))

Sec. 22-118. Deposit to be made inside.

Any solid waste intended for disposal in a solid waste receptacle shall be deposited inside the container. No solid waste may be left at the solid waste receptacle site outside the receptacle.

(Ord. of 6-20-94, § V(C))

Sec. 22-119. Removal of items; climbing on or damaging.

No person may remove any item from any solid waste container, climb on or into a container, or damage any container.

(Ord. of 6-20-94, § V(D))

Secs. 22-120—22-150. Reserved.

DIVISION 5. LANDFILLS AND TRANSFER STATIONS*

Sec. 22-151. Use; hours; manner and procedure of disposal generally.

The county construction and demolition landfill may be used for the disposal of construction and demolition waste by county residents and nonresident property owners. The landfill or transfer station shall be open during business hours as established by the board. In emergencies, the landfill or transfer station may be open for additional hours as directed by the county manager or the manager's representative. Except when open during regular business hours, the landfill or transfer station shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of at the landfill or transfer station in the manner and according to procedures established by the solid waste superintendent, transfer station manager or their representative.

(Ord. of 6-20-94, § IV(A); Memo of 7-19-2007)

Sec. 22-152. Prohibited disposal.

The following waste may not be disposed of in the county construction and demolition landfill, transfer station or any privately owned municipal solid waste landfill:

- (1) Burning or smoldering materials, or any other materials that would create a fire hazard;
- (2) Hazardous waste;
- (3) Lead-acid batteries;
- (4) Liquid waste;
- (5) Untreated regulated medical waste;
- (6) Radioactive waste;

***Cross reference**—Zoning permit regulations for sanitary landfill, § 28-224.

- (7) Used oil;
 - (8) White goods;
 - (9) Yard trash;
 - (10) Antifreeze (ethylene glycol); and
 - (11) Aluminum cans.
- (Ord. of 6-20-94, § IV(B))

Sec. 22-153. Removal of articles.

No person may loiter or rummage about the landfill or transfer station to remove articles therefrom.
(Ord. of 6-20-94, § IV(C))

Sec. 22-154. Deposits to be directed as to location.

No person may deposit material at any point in the landfill or transfer station except where indicated by authorized employees or by official signs.
(Ord. of 6-20-94, § IV(D))

Sec. 22-155. Discharge of firearms, fireworks or explosives.

No person may discharge firearms, fireworks or explosives on landfill or transfer station property.
(Ord. of 6-20-94, § IV(E))

Sec. 22-156. Speed of vehicles.

The maximum allowable speed of vehicles on the landfill or transfer station property is ten miles per hour.
(Ord. of 6-20-94, § IV(F))

Sec. 22-157. Disposal of tires.

Tires may not be disposed of except where indicated by authorized employees of the landfill, transfer station or by official signs.
(Ord. of 6-20-94, § IV(G))

Secs. 22-158—22-180. Reserved.

DIVISION 6. SOLID WASTE COLLECTORS*

Subdivision I. In General

Sec. 22-181. Vehicles and containers.

(a) Vehicles and containers used for the collection and transportation of solid waste shall be covered, leakproof, durable, and easily cleaned. They

shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Vehicles shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the solid waste superintendent.

(b) Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of materials. If spillage or leakage should occur, materials shall be recovered immediately by the licensee and returned to the vehicle or container, and the area properly cleaned.
(Ord. of 6-20-94, § VII(F); Memo of 7-19-2007)

Secs. 22-182—22-205. Reserved.

Subdivision II. License

Sec. 22-206. Required.

No person shall engage in the business as a solid waste collector except under license issued by the county pursuant to this article.
(Ord. of 6-20-94, § VII(A))

Sec. 22-207. Application; contents.

Applications for licenses to engage in the business of solid waste collector shall be filed with the solid waste superintendent for the county on forms approved by such solid waste superintendent. The applicant shall furnish the following information:

- (1) Name and address of the applicant and whether a sole proprietorship, corporation or partnership, with disclosure of the ownership interests;
- (2) A list of the equipment possessed, available or to be obtained by the applicant, including motor vehicle license plate numbers;
- (3) Number of employees the applicant expects to use in the business;
- (4) Experience of the applicant in solid waste collection;

*Cross reference—Businesses, ch. 8.

- (5) Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business;
 - (6) Planned routes and areas of the county the applicant expects to serve;
 - (7) Schedule of fees the applicant expects to charge;
 - (8) Evidence of liability insurance coverage; and
 - (9) Name and location of the facility where collected waste is to be disposed of.
- (Ord. of 6-20-94, § VII(B); Memo of 7-19-2007)

Sec. 22-208. Inspection of facilities and equipment.

Before issuing a license pursuant to this article the solid waste superintendent shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

(Ord. of 6-20-94, § VII(C); Memo of 7-19-2007)

Sec. 22-209. Issuance; denial; validity.

(a) The solid waste superintendent may issue the applicant a license only when he finds the applicant's facilities, equipment and proposed operating methods are in compliance with this article and applicable rules of the department and that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person who contracts with him for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article.

(b) If the solid waste superintendent denies an applicant a license, the applicant may appeal the solid waste superintendent's decision to the county engineer by giving written notice of appeal to the county engineer within ten calendar days of receipt of the solid waste superintendent's decision. The county engineer shall conduct a hearing within 30 calendar days of receipt of the notice of appeal. The county engineer shall keep summary minutes of the hearing and, within seven calendar days after the hearing, shall give the applicant written notice of his decision either granting the license or affirming the denial of the license. The applicant may appeal the

county engineer's decision to the board of county commissioners by giving written notice of appeal to the county manager within ten calendar days of receipt of the county engineer's decision following the hearing. The board of commissioners shall conduct a hearing within 30 calendar days after receipt of the notice of appeal. The board of commissioners shall render a decision within 15 calendar days following the hearing and shall either affirm the denial or direct the solid waste superintendent to issue the license.

(c) A license shall be valid for a period of one year from the date of issuance.

(Ord. of 6-20-94, § VII(D); Memo of 7-19-2007)

Sec. 22-210. Quarterly report.

A licensee shall submit a quarterly report to the solid waste superintendent containing the following information:

- (1) Number of customers added or deleted to include name and address of such customer;
- (2) Changes in routes;
- (3) New and replacement equipment; and
- (4) Any other information requested by the solid waste superintendent and pertinent to the solid waste collection business.

(Ord. of 6-20-94, § VII(E))

Sec. 22-211. Revocation; reinstatement; appeals.

When the solid waste superintendent finds that a licensee has violated this article or the conditions of the license, the solid waste superintendent shall give the licensee written notice of the violation and inform him that if another violation occurs within 30 days, or in the case of a continuing violation, if it is not corrected within ten days, the license will be revoked. If another violation occurs within the 30-day period, or, if the continuing violation is not corrected within ten days, the solid waste superintendent shall give notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting or disposing of solid waste. The solid waste superintendent may reinstate a revoked license after the revocation has been in effect for 30 days if the solid waste superintendent finds that the

conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the board of county commissioners by giving written notice of appeal to the county manager within ten days of receiving notice of revocation from the solid waste superintendent. After a hearing on the appeal, the board shall either affirm the revocation or direct the solid waste superintendent to reinstate the license.
(Ord. of 6-20-94, § VII(G); Memo of 7-19-2007)

Sec. 22-212. Assignability.

No license pursuant to this article shall be assignable.
(Ord. of 6-20-94, § VII(H))

Secs. 22-213—22-235. Reserved.

Subdivision III. Franchise

Sec. 22-236. Required to collect, transport and dispose of solid waste.

No person may engage in the business of solid waste collector unless he holds a franchise issued by the board of county commissioners authorizing him to collect, transport and dispose of solid waste, and describing the area for which the franchise is issued.
(Ord. of 6-20-94, § VIII(A))

Sec. 22-237. License required as preliminary qualification.

No person may be issued a franchise by the board unless he holds a license to engage in the business of solid waste collector issued by the solid waste superintendent.
(Ord. of 6-20-94, § VIII(B); Memo of 7-19-2007)

Sec. 22-238. Application.

Applications for franchises shall be filed with the board, through the county manager, on forms prescribed by the county manager, and shall include a copy of the applicant's license application to the solid waste superintendent and any other information that the board deems pertinent.
(Ord. of 6-20-94, § VIII(C); Memo of 7-19-2007)

Sec. 22-239. Conditions for granting.

The board may grant a franchise only upon finding that the applicant will render prompt, efficient and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area.
(Ord. of 6-20-94, § VIII(D))

Sec. 22-240. Determination of franchise area.

The board shall determine the area for which a franchise is granted.
(Ord. of 6-20-94, § VIII(E))

Sec. 22-241. Fees.

The board shall set or approve all fees charged by solid waste collectors before granting a franchise. The board may classify fees according to whether residential, commercial, institutional or industrial customers are served, so that reasonable compensation may be provided in accordance with the public interest. Fee schedules may be amended by the board from time to time.
(Ord. of 6-20-94, § VIII(F))

Sec. 22-242. Term; renewal.

A franchise shall be for a term of four years and shall be renewable.
(Ord. of 6-20-94, § VIII(G))

Sec. 22-243. Schedule of fees to be presented to customer in advance; removal frequency.

A solid waste collector franchised under this article shall present to each prospective customer, in advance of any agreement with that customer, a schedule of his fees as authorized by this article to be charged. All solid waste shall be removed from the customers premises at least once a week, provided the customer is no more than 30 days in arrears in payment of the required collection fees.
(Ord. of 6-20-94, § VIII(H))

Sec. 22-244. Temporary franchises.

The board may grant temporary franchises for the collection, transportation or disposal of solid waste to provide service in the event of abandonment of an existing franchise, or for other cause.
(Ord. of 6-20-94, § VIII(I))

Sec. 22-245. Nonexclusive franchises.

Notwithstanding any other provision of this article to the contrary, the board may grant nonexclusive franchises for the collection of commercial, industrial, institutional and construction and demolition waste throughout the county.
(Ord. of 6-20-94, § VIII(J))

Sec. 22-246. Disputes and disagreements.

All disputes regarding the granting of a franchise and disagreements concerning franchise areas shall be determined by the board.
(Ord. of 6-20-94, § VIII(K))

Sec. 22-247. Assignability.

No franchise shall be assignable.
(Ord. of 6-20-94, § VIII(L))

Sec. 22-248. Notice to be given by grantee prior to abandoning.

A solid waste collector granted a franchise under this article shall give 30 days' written notice to the board before abandoning the franchise.
(Ord. of 6-20-94, § VIII(M))

Sec. 22-249. Termination or suspension.

The board may terminate or suspend all or any portion of a franchise for any of the following reasons:

- (1) Loss of the franchisee's license to operate as a solid waste collector;
- (2) Failure of the franchisee to comply with the authorized fee schedule;
- (3) Failure of the franchisee to render prompt and effective service to persons within his service area; or

- (4) Failure of the franchisee to comply with any provisions of this article, or applicable rules of the department.

(Ord. of 6-20-94, § VIII(N))

Secs. 22-250—22-260. Reserved.

Subdivision IV. Management of Solid Waste in Unincorporated Areas of Lee County

Sec. 22-261. Sanitary landfill franchises.

(a) The written application for a franchise to locate and operate a publicly-owned or privately-owned sanitary landfill in the unincorporated areas of Lee County shall show in detail the site proposed for such facility, the method of its operation, the equipment to be used and such other and further information as the board may require.

(b) Prior to the board's granting of a franchise for the operation of such a landfill, the person making application must comply with all the current requirements of the department pertaining to sanitary landfill approvals. Further, prior to the approval an issuance of a franchise by the board, evidence of such satisfactory compliance shall be furnished to the board in writing.

(c) Any person before locating and operating a publicly-owned or privately-owned sanitary landfill in the unincorporated areas of Lee County shall first obtain from the board a privilege license which shall be renewed on an annual basis for each disposal facility. The board from time to time shall adopt annual privilege license fees.

(d) A license to operate a sanitary landfill shall be automatically revoked whenever conditions exist that cause the department to close down the facility.
(Amend. of 4-18-2006, § IX)

Sec. 22-262. Sanitary landfill management.

(a) County-owned landfills may be used only for the disposal of solid wastes generated within Lee County.

(b) In order to determine that waste was generated within Lee County, the weighmaster and/or other landfill attendant is authorized to ask for identification. Anyone refusing to provide the information requested will be denied use of the solid waste facility.

ties. Solid wastes shall be disposed of at the landfills in the manner and according to procedures established by the General Services Department of Lee County.

(c) The following wastes may not be deposited in county-owned or operated sanitary landfills or any privately-owned or publicly-owned solid waste landfills located in the unincorporated areas of Lee County;

- (1) Radioactive waste.
- (2) Untreated regulated medical waste.
- (3) Burning or smoldering materials, or any other materials that would create a fire hazard.
- (4) Hazardous waste.
- (5) Liquid wastes.
- (6) White goods.
- (7) Lead acid battery.
- (8) Whole scrap tires.
- (9) Used oil and/or oil filters.
- (10) Antifreeze (ethylene glycol).
- (11) Yard waste.
- (12) Sewage plant sludge.
- (13) Aluminum cans.
- (14) Any other items as promulgated by the solid waste superintendent and approved by the board as they deem in the best interest of Lee County.

(d) The following waste may be accepted on a conditional basis only:

- (1) Asbestos.
- (2) Barrels.
- (3) Sludges.
- (4) Special waste.

(e) Conditionally acceptable waste may be disposed of in accordance with department regulations and policies promulgated by the solid waste superintendent of general services and adopted by the board. Generators of conditionally acceptable waste shall obtain prior approval from the solid waste superintendent at least three working days before transporting conditionally approved waste to the landfill.

(f) No person may loiter or rummage about the landfill or remove articles there from.

(g) No person may deposit material at any point in the landfill except where indicated by authorized agents of the county or by official signs.

(h) No person may discharge firearms, fireworks, or explosives on landfill property.

(i) A disposal fee shall be charged to all residential commercial, industrial, institutional, and governmental users of the landfill. The board shall adopt a schedule of fees from time to time which shall be effective until amended or replaced.

(j) The board, at its discretion, may exempt the disposal of certain designated materials from the fee of requirements. The North Carolina Department of Transportation shall not be charged a fee for disposing of roadside litter.

(k) No tires, lead acid batteries, used motor oil, white goods, or yard waste shall be disposed of at the landfill. However, tires, lead acid batteries, used motor oil, white goods, yard waste, and other materials shall be accepted by waste reduction and recycling programs at the landfill.
(Amend. of 4-18-2006, § X)

Sec. 22-263. Land-clearing and inert debris landfill franchise.

(a) No person may operate a land-clearing and/or inert debris landfill without first obtaining a franchise from the board of commissioners. A permit fee shall be adopted from time to time by the board which shall be effective until amended or replaced.

(b) Applications to locate and/or operate land-clearing debris landfills shall contain the following information and shall be submitted to the board:

- (1) Zoning approval from the local governing body.
- (2) A preliminary site plan (four copies) containing a map or aerial photo providing the following information within one fourth of a mile of the site.
 - (i) Entire property owned by the applicant in which the disposal site will be located;

- (ii) Location of all homes, buildings, public or private utilities, roads, wells, water courses, and general topography;
 - (iii) Whether all or a portion of site is in the flood hazard zone (FEMA or flood hazard soils), and location of the flood hazard area.
 - (3) Location of site on county road map.
 - (4) Any other pertinent information requested by the board.
 - (c) Upon approval of the preliminary site plan, a final site and operation plan (six copies) showing:
 - (1) A plot plan of the proposed site showing the property boundary, proposed land filling limits, access control, roads and streams.
 - (2) Erosion and sedimentation control plan.
 - (3) A description of the site that would be sufficient as a description in an instrument of conveyance (copy of deed).
 - (4) Type of material to be disposed of at the site.
 - (5) Name, address, and phone number for party responsible for operation and maintenance of site.
 - (6) Projective use after completion of the fill.
 - (7) Any other pertinent information including limits of the one hundred year flood plain where applicable.
 - (d) Prior to receiving land-clearing and inert debris on any new site, the franchise shall be:
 - (1) Recorded as required by G.S. 130-66.21.
 - (2) Complete site preparation according to the approved operational plan.
 - (3) Submit to an inspection by representative of the general services department.
- (Amend. of 4-18-2006, § XI)
- Sec. 22-264. Operation of land-clearing and inert debris landfill.**
- (a) Any person who maintains a land-clearing and/or inert debris landfill shall maintain and operate the site in conformance with the following practices unless otherwise directed by the board;
 - (1) Approved operational plans shall be followed as specified.
 - (2) Sedimentation and erosion control measures shall be constructed according to the operational plan and maintained as necessary.
 - (3) Access to the sites shall be barricaded or manned when not in use by the operator.
 - (4) Dust control measures shall be implemented where necessary.
 - (5) Surface waters shall be diverted from the operational area.
 - (6) Debris shall not be disposed of in water.
 - (7) Open burning of land-clearing and inert debris is prohibited.
 - (8) Equipment shall be provided to control accidental fires or arrangements shall be made with the local fire department agency to immediately provide fire-fighting service when needed.
 - (9) No hazardous or liquid wastes shall be accepted or disposed.
 - (10) Prior to termination of operation and before earth moving equipment is removed from the site, the general services shall be notified in order that a site inspection may be made.
 - (11) Within one month after final termination of disposal operations at the site or a major part thereof or upon revocation of a franchise, the area shall be covered with at least two feet of suitable compacted earth adequately sloped to allow surface water runoff in a controlled manner without on-site erosion and off-site siltation.
 - (12) The finished surface of the filled areas shall be stabilized according to the approved operational plan immediately after completion or as soon as practical but not later than 45 calendar days.
 - (13) Once a land-clearing and inert debris landfill site has been closed future necessary maintenance shall be the responsibility of the owner.
- (Amend. of 4-18-2006, § XXI)

Sec. 22-265. Revocation of land-clearing and inert debris landfill franchise.

Any franchise issued by the board for operation of a land-clearing and/or inert debris landfill in Lee County may be revoked and a fine levied for violation of the regulations pertaining to operation and management of land-clearing and inert debris landfills. Whenever, upon inspection of land-clearing and inert debris disposal facilities, or associated operating methods, or practices, the solid waste superintendent finds that conditions exist which violate any part of this article, the solid waste director shall give notice in writing by certified mail to the person responsible for operation of the facility that unless such conditions or practices are corrected or remedied within 20 days, then the franchise for operation of the facility will be revoked. The notice shall set forth the measures necessary to bring the site back into compliance with the article. If after re-inspection, the solid waste superintendent finds that the condition or practices have not been corrected, the operator will be notified that his license has been revoked. Upon receipt of this notice of revocation, the operator of the facility shall terminate operations immediately. The operator may request in writing to the solid waste superintendent a hearing before the board in order that the operator may justify why such franchise should not be revoked. Such requests shall be received by the solid waste superintendent no later than ten days following the notice of franchise revocation. The hearing shall be scheduled for the next regular meeting of the board. After hearing of the appeal, the board shall affirm the revocation or direct the solid waste superintendent to reinstate the franchise. Reinstatement or re-issuance of a permit to operate a land-clearing debris landfill will be subject to review and rehearing by the board.
(Amend. of 4-18-2006, § XII)